

Legal Department, DL429  
 Intellectual Property Administration  
 P. O. Box 7599  
 Loveland, Colorado 80537-0599

22154 U.S.P.O.  
10/824680

18351 U.S.PTO

IN THE  
U.S. PATENT AND TRADEMARK OFFICE

Anticipated Classification of this application:

Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior application:

Examiner: Carol S. Tsai  
Art Unit: 2857"Express Mail" label no.: **EV404917686US**Date of Deposit: **April 15, 2004**

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

By

Typed Name: **Sue A. Hebert**

COMMISSIONER FOR PATENTS  
 PO Box 1450  
 Alexandria, VA 22313-1450

**REQUEST FOR A CONTINUING APPLICATION UNDER 37 CFR 1.53(b)**

Sir:

This is a request for filing a continuing application under 37 CFR 1.53(b) a  
 ( ) continuation application of:  
 (X) divisional application of:

**Pending Prior Application**Application Serial No. **10/020,673** filed **10/29/01**.Title **Method And Apparatus For Performing Eye Diagram Measurements**Name of applicant(s) **Richard A. Nygaard, Jr.****Copy of Application**

(X) Enclosed is a copy of the prior application, including the drawings.  
 ( ) Enclosed is a new specification, including new drawings.

**Oath or Declaration**

(X) Enclosed is a copy of the prior Declaration (37 CFR 1.63(d)).  
 ( ) Enclosed is a newly executed Declaration (original or copy).

**Foreign Priority - 35 USC 119**

( ) Foreign priority under 35 U.S.C. 119 has been claimed in prior application Serial No. \_\_\_\_\_  
 filed on \_\_\_\_\_ in \_\_\_\_\_

( ) The certified copy has been filed in prior application Serial No. \_\_\_\_\_  
 filed \_\_\_\_\_

( ) A separate paper claiming direct priority to a foreign application is enclosed herewith. A certified copy of the foreign application will be provided in due course.

**Relate Back - 35 USC 120**

This is a ( ) continuation (X) divisional of copending application Serial No. **10/020,673**  
 filed on **10/29/01**, the entire disclosure of which is incorporated into this application by reference.

Inventorship Statement

( ) Delete the following named individuals as inventors in this application in accordance with 37 CFR 1.53(b) as a result of a change in the claimed subject matter:

Appointment of Associate Attorney

( ) Recognize as Associate Attorney or Agent \_\_\_\_\_  
Registration No. \_\_\_\_\_  
(X) authorization is hereby granted by signature below of the Attorney or Agent of record  
( ) the Associate Attorney or Agent shall not have the authority to appoint other Attorneys or Agents

Communications

(X) Address all future communications to: Direct telephone calls to:

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

Edward L. Miller  
(970) 679-3677

Fee Calculation

(X) The filing fee calculated below is for an (X) Utility ( ) Design application, and based on the claims remaining after entry of the enclosed Preliminary Amendment.

| CLAIMS AS FILED BY OTHER THAN A SMALL ENTITY         |                     |                     |             |               |
|--|---------------------|---------------------|-------------|---------------|
| (1)<br>FOR   | (2)<br>NUMBER FILED | (3)<br>NUMBER EXTRA | (4)<br>RATE | (5)<br>TOTALS |
| TOTAL CLAIMS   | 2 — 20              | 0                   | X \$18      | \$ 0          |
| INDEPENDENT CLAIMS                                   | 2 — 3               | 0                   | X \$86      | \$ 0          |
| ANY MULTIPLE<br>DEPENDENT CLAIMS                     | 0                   |                     | \$290       | \$ 0          |
| BASIC FEE: Design ( \$340.00 ); Utility ( \$770.00 ) |                     |                     |             | \$ 770        |
| TOTAL FILING FEE                                     |                     |                     |             | \$ 770        |
| TOTAL CHARGES TO DEPOSIT ACCOUNT                     |                     |                     |             | \$ 770        |

Charge \$ 770 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Richard A. Nygaard, Jr.

By Edward L. Miller  
Edward L. Miller  
Attorney/Agent for Applicant(s)  
Reg. No. 29,331

Date: April 15, 2004

Telephone No.: (970) 679-3677

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

PATENT APPLICATION  
ATTORNEY DOCKET NO. 10011219-4

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Richard A. Nygaard, Jr.

Serial No.: Unknown

Examiner: Carol S. Tsai

Filing Date: Herewith

Group Art Unit: 2857

Title: Method And Apparatus For Performing Eye Diagram Measurements

OFFICIAL DRAFTSPERSON  
Drawing Processing Branch  
PO Box 1450  
Alexandria, VA 22313-1450

DRAWING TRANSMITTAL LETTER

Sir:

Enclosed herewith please find:

( ) \_\_\_\_\_ sheets of redlined drawing(s) which indicate proposed changes to the drawing(s). Upon approval of these proposed changes, formal drawing(s) will be submitted.

( ) \_\_\_\_\_ sheets of corrected formal drawing(s), as required by the Notice of Patent Drawings Objection (PTO-948) which accompanied the Office Action dated \_\_\_\_\_.

( ) \_\_\_\_\_ sheets of corrected formal drawing(s), as required by the Notice of Patent Drawings Objection (PTO-948) and approved in the Notice of Allowability dated \_\_\_\_\_.

(X) 4 sheets of formal drawing(s). Please substitute these formal drawing(s) for the informal drawing(s) originally filed.

( ) \_\_\_\_\_

Examiner's approval of the entry of these drawings is respectfully requested. No new matter has been added.

Respectfully submitted,

Richard A. Nygaard, Jr.

By Edward L. Miller

Edward L. Miller

Attorney/Agent for Applicant(s)  
Reg. No. 29,331

Date: April 15, 2004

Telephone No.: (970) 679-3185

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: April 15, 2004

Typed Name: Sue A. Hebert

Signature: Sue A. Hebert